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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,053	07/31/2003	Michael R. Dennis	J-OAER.1018	3609

56703 7590 01/09/2007  
ROBERT D. VARITZ, P.C.  
4915 SE 33RD PLACE  
PORTLAND, OR 97202

EXAMINER
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REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/633,053	<b>Applicant(s)</b> DENNIS ET AL.	
	<b>Examiner</b> Erick Rekstad	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This is a First Office Action for application no. 10/633,053 filed on July 31, 2003 wherein claims 1-4 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,992,866 to Morgan in view of US Patent 7,057,647 to Monroe and further in view of US Patent 7,049,597 to Bodkin.

[claims 1 and 4]

As shown in Figure 1, Morgan teaches a surveillance imaging system comprising imagers (34 and 36), a computer-controllable pan and tilting means (80 and 82), a computer (20), and a user-operable controller interface including a touch-screen (30) and a joystick (42) (Abstract, Col 3 Lines 5-11, Lines 25-27, Lines 34-52, Col 4 Lines 3-20, and Lines 46-53). Morgan further teaches the controlling of imager parameters using a computer (Col 5 Lines 49-63). Morgan is silent on the use of a camera which contains (a) an optical, daytime color video imager, (b) an optical, nighttime, light-intensified, black-and-white video imager, and (c) a thermal imager.

As shown in Figure 7, Monroe teaches the use of a two-way beamsplitting mirror to provide a day/night camera (Col 5 Line 64-Col 6 Line 15). Monroe further teaches

the day camera is a color camera (color sensor 14, Fig. 2) and the night camera is a b/w camera (16) with a light-intensifier (24). Monroe suggests the use of a multi-imager camera using a shared common optical path such as that used with a two-way beamsplitting mirror in order to provide individual cameras that are optimized for different purposes (Col 6 Lines 52-64, Fig. 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the camera means of Monroe with the surveillance system of Morgan in order to provided means for viewing during the day and night as taught by Monroe (Abstract). Monroe does not specifically teach the use of a thermal imaging means.

As shown in Figure 7, Bodkin teaches a similar multi-imagining means using beamsplitting mirrors (16, 86) as Monroe. Bodkin further teaches the use of a thermal imager (Col 1 Line 57-Col 2 Line 13, Col 11 Lines 20-45). Bodkin teaches the combining of the images in order to highlight a target (Col 9 Lines 40-47, Col 12 Lines 14-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the thermal imaging means of Bodkin with the surveillance means of Morgan and Monroe in order to enhance the targeting ability of the surveillance system as taught by Bodkin (Col 9 Lines 40-47).

[claims 2 and 3]

Morgan teaches the ability of using the touch-screen to selected a desired camera (Col 7 Lines 21-32). Morgan further teaches the use of the touch-screen to perform tracking (Col 3 Lines 8-11). Morgan teaches the use of monitors (22, 24, 26, and 28) for displaying images produced by the imagers (Col 3 Lines 20-33 and Lines

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59-68, Col 5 Lines 16-18). Morgan is silent on the selection of output from the plural-imager.

Monroe teaches the selection and displaying of a color image, b/w image, or a combination image in order to provided the user an image during the day, night or an enhanced image (Abstract, Col 7 Lines 22-25 and Lines 34-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user interface in the surveillance system of Morgan with the imaging selection features of Monroe in order to provided enhanced viewing means (Abstract).

Bodkin also teaches the ability of providing the user multiple imaging views in order to enhance the viewing of the user (Col 12 Lines 14-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the multiple image combining means of Bodkin with the system of Morgan and Monroe in order to combine any combination of three imager outputs as taught by Bodkin (Col 12 Lines 20-30).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,646,799 to Korniski et al.

US Patent 6,422,508 to Barnes.

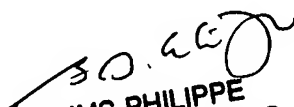
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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